

REMARKS

Claims 13-24 and 26 are pending. The Office Action rejects claims 13-25 under 35 U.S.C. §112, first paragraph, and rejects claims 13-25 under 35 U.S.C. §103(a) over Goldhaber (U.S. 5,794,210) in view of Angles (U.S. 5,933,811). These rejections are respectfully traversed. Claim 25 is canceled, and claim 26 is new.

Interview Summary

Applicants thank the Examiner for the courtesy extended to Applicants' undersigned representative during the personal interview conducted February 7, 2008. During the interview, arguments and amendments consistent with those presented herein were discussed. Specifically, Applicant's representative explained that the cited references fail to show a direct connect server, and explained the various relationships between the direct connect server and the other features recited in the claims.

35 U.S.C. §112 Rejections

The Office Action asserts that the specification does not provide sufficient support for the feature "the redirect command configured to direct the user to the direct connect server." Applicants respectfully disagree. This claim language is supported at least at, for example, page 2, lines 21-31 and page 3, lines 25-33. Specifically, page 3, lines 31-33 states that the content server "returns the requested content...and also includes one or more redirect commands 107 which **redirects the user to the DCS server 111.**" Thus, the specification fully supports the language identified in the Office Action, and withdrawal of the rejection is respectfully requested.

35 U.S.C. §103 Rejections

Independent claim 13 recites a system comprising, in relevant part:

a creative selection server;

a direct connect server connected to a public network separately from the creative selection server, wherein the direct connect server:

...

responsive to a user request to receive non-advertising content and at least one redirect command from a content server, the redirect command configured to direct the user to the direct connect server:

generates a request for creative message...; and

transmits the request for creative message to the creative selection server.

As described in further detail below, the cited art fails to teach or suggest at least these features.

The Cited Art Does Not Disclose a Direct Connect Server as Recited in the Claims.

As discussed during the interview, claim 13 recites a direct connect server connected to a public network separately from a creative selection server. An exemplary configuration is illustrated in FIG. 1. Neither Goldhaber nor Angles describes such a configuration. During the interview, the Examiner suggested that Angles' "advertisement provider computer" and/or "content provider computer" as shown in Figures 1, 4, and/or 9-11 may be interpreted as a direct connect server. The Office Action also suggests that Goldhaber's item 110/agent functions as a direct connect server. However, any such interpretation ignores the features of a direct connect server as required by the claims. Specifically, Angles's advertisement/content provider computers and Goldhaber's 110/agent fail to generate and transmit a request for creative message responsive to a user request to receive non-advertising content and at least one redirect command from a content server as required by claim 13. Thus, whether considered alone or in combination, the cited references fail to teach or suggest each and every element of the claim.

The Cited Art Does Not Disclose a Redirect Command as Recited in the Claims.

Claim 13 recites, in part, a redirect command from a content server, the redirect command configured to direct the user to the direct connect server. The Office Action admits that Goldhaber does not disclose redirects, but asserts that Angles discloses redirect commands as part of a general description of HTML. Office Action, p. 7:5-8. However, the Office Action fails to indicate what feature in Angles's disclosure is being interpreted as a redirect command. It is respectfully noted that the term "redirect" does not appear in either Angles or Goldhaber.

Regardless, Angles does not describe a redirect command configured to direct a user to a direct connect server as required by the claims. Although Angles describes an "embedded advertisement request" sent by a content provider, this request merely directs an advertisement provider to send an advertisement to the customer and to execute a content provider script. See Figs. 3-4, col. 8:44-61. There is no suggestion that the embedded advertisement request directs a user to a direct connect server. Thus, even if Angles' embedded advertisement request is correctly interpreted as a redirect command, which Applicants do not concede, at most it requests an advertisement from an advertisement provider. It does not direct a user to a direct connect server, nor does the advertisement provider perform the functions recited for the direct connect server in the claims.

Thus, none of the cited references suggests a redirect command configured to direct a user to a direct connect server. For at least these reasons, the cited references fail to teach or suggest each element of the claims, and the rejection should be withdrawn.

Goldhaber Teaches Away From User Requests to Receive Non-Advertising Content.

As described previously, Goldhaber does not describe generating a request for creative message in response to a user request to receive non-advertising content. In response, the Office Action suggests that Goldhaber shows that linking print and television advertising to other content is well known (p. 6:10-7:4; 10:10-11:4). The Office Action also cites a variety of court cases giving various rationales for finding obviousness, but does not explain how these cases are relevant to the present rejections. Presumably, the suggestion is that one of skill in the art would

modify the cited agent (110) and brokerage servers (106) or some other part of Goldhaber's system to perform the cited "linked sponsorship."

Combination or modification of references is improper where the references teach away from the proposed combination or modification. *See* M.P.E.P. §2145, Part X(D); 2143.01. The Office Action's analysis ignores the fact that Goldhaber's disclosure of "linked sponsorship" is described as an **undesirable** way to distribute advertising. Goldhaber indicates that the traditional "linked" advertising models "have a number of drawbacks, both for the advertiser and for society at large." Col. 2, lines 50-52; *see also* col. 2:52-3:40. Goldhaber's system, including the agent (110) and brokerage servers (106) cited by the Office Action, are intended to **replace** these traditional models by directly buying and selling consumers attention, by delivering advertisements, by themselves, directly to consumers. *See, e.g.*, col. 4, lines 41-63. In Goldhaber's system, there is no reason to link these advertisements to non-advertising content.

Goldhaber teaches away from using the traditional sponsorship techniques cited by the Office Action. One of skill in the art would understand that Goldhaber intends to replace these techniques with his system, and would have no reason to modify that system to perform the techniques Goldhaber teaches are undesirable. The modification suggested in the Office Action is improper, and the claims are not obvious over the cited art.

The Office Action's Interpretation of Goldhaber is Incorrect.

The Office Action interprets Goldhaber's agent (110) as a direct connect server and Goldhaber's attention brokerage server (106) as a creative selection server. If this interpretation is correct, which Applicants do not concede, the agent must generate a request for a creative message **responsive to a user request to receive non-advertising content** and at least one **redirect command from a content server** to meet all the features recited in the claims. However, the agent performs no such function. As previously described, Goldhaber's agent only sends ads that are requested by a user or that match a user's profile. *See, e.g.*, col. 4:64-5:35; 7:23-67, 13:34-50, 10:39-57, 11:8-24. There is no suggestion that the agent sends ads in response to any other request or any redirect command. Further, no other entity described by Goldhaber performs the recited functions. For at least this reason, Goldhaber fails to teach or suggest the elements for which it is cited, and the claims are allowable over the cited art.

Angles Fails to Remedy the Defects of Goldhaber.

Angles fails to remedy the defects of Goldhaber described above. Specifically, and as described above, Angles does not teach or suggest at least a request for creative message generated in response to a user request to receive non-advertising content and at least one redirect command from a content server, where the redirect command is configured to direct the user to the direct connect server. Thus, whether taken alone or in combination, Goldhaber and Angles fail to render the claims obvious and claims 13-25 are patentable over the cited art. Withdrawal of the rejections and reconsideration of the claims is respectfully requested.


Conclusion

Based on the above remarks, Applicants believe the claims are in condition for allowance. The Commissioner is authorized to charge any fees or credit any overpayment to the deposit account of Kenyon & Kenyon LLP, Deposit Account No. 11-0600.

The Examiner is invited to contact the undersigned to discuss any matter concerning this application.

Respectfully submitted,

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